



General Assembly

January Session, 2001

Amendment

LCO No. 6850

Offered by:

REP. STRATTON, 17th Dist.

To: Subst. House Bill No. 6914

File No. 435

Cal. No. 318

***"AN ACT CONCERNING THIRD PARTY LIABILITY AND
REVISIONS TO THE TRANSFER ACT."***

1 In line 31, strike "any liability of"

2 In line 32, strike "who" and insert the following in lieu thereof:

3 "of (1) any liability for damages to person or property as a result of
4 any pollution or pollution condition caused by such owner on or
5 emanating from the subject real property, or (2) any liability of such
6 owner"

7 In line 114, before the first "shop" insert an opening bracket, strike
8 the opening bracket before the second "shop"

9 In line 155, strike "z" and insert "or" in lieu thereof

10 In line 155, strike "that"

11 Strike lines 156 to 159, inclusive, in their entirety

12 In line 160, strike "process for calculating the numeric criteria of
13 such substance,"

14 In line 199, insert an opening bracket before "the standards"

15 In line 200, strike the opening bracket before "the"

16 In line 228, insert an opening bracket before "the standards"

17 In line 231, insert a closing bracket after "with"

18 In line 275, after "by-product", insert "for which there are
19 remediation standards adopted pursuant to section 22a-133k or for
20 which such remediation standards have a process for calculating the
21 numeric criteria of such substance"

22 In line 276, strike "undissolved material that is transported or" and
23 insert "unconsolidated material occurring in a stream, pond, wetland
24 estuary or other water body." in lieu thereof

25 Strike line 277 in its entirety

26 In line 316, after "form" insert "as a certifying party"

27 In line 319, before "to" insert an opening bracket and after
28 "commissioner" insert a closing bracket

29 In line 319, after "shall" insert ", upon receipt of a written request
30 from the commissioner, provide to the commissioner copies of all
31 technical plans, reports and other supporting documentation relating
32 to the investigation of the parcel or remediation of the establishment as
33 specified in the commissioner's written request"

34 Strike lines 324 to 327, inclusive, in their entirety

35 Strike line 328 in its entirety and insert the following:

36 "[f) Within fifteen days of his] (e) No later than thirty days after
37 receipt"

- 38 In line 351, bracket "(g)" and insert "(f)"
- 39 In line 365, bracket "(h)" and insert "(g)"
- 40 In line 376, bracket "(j)" and insert "(i)"
- 41 In line 392, bracket "(i)" and insert "(h)"
- 42 In line 403, bracket "(j)" and insert "(i)"
- 43 In line 418, bracket "(j)" and insert "(i)"
- 44 In line 435, bracket "(k)" and insert "(j)"
- 45 In line 455, bracket "(l)" and insert "(k)"
- 46 In line 459, bracket "(m)" and insert "(l)"
- 47 In line 476 strike "(n)" and insert "(m)"
- 48 After line 552, insert the following:
- 49 "Sec. 10. Section 22a-6g of the general statutes is repealed and the
- 50 following is substituted in lieu thereof:
- 51 [Notwithstanding any other provision of this title or regulations
- 52 adopted hereunder, any]
- 53 (a) Any person who submits an application to the Commissioner of
- 54 Environmental Protection for any permit or other license pursuant to
- 55 section 22a-32, 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, 22a-368,
- 56 22a-403 or 22a-430, subsection (b) or (c) of section 22a-449, section 22a-
- 57 454 or Section 401 of the federal Water Pollution Control Act (33 USC
- 58 466 et seq.), except an application for authorization under a general
- 59 permit shall: (1) Include with such application a signed statement
- 60 certifying that the applicant will publish notice of such application on
- 61 a form supplied by the commissioner in accordance with this section;
- 62 (2) publish notice of such application in a newspaper of general
- 63 circulation in the affected area; (3) send the commissioner a certified

64 copy of such notice as it appeared in the newspaper; and (4) notify the
65 chief elected official of the municipality in which the regulated activity
66 is proposed. Such notices shall include: (A) The name and mailing
67 address of the applicant and the address of the location at which the
68 proposed activity will take place; (B) the application number, if
69 available; (C) the type of permit sought, including a reference to the
70 applicable statute or regulation; (D) a description of the activity for
71 which a permit is sought; (E) a description of the location of the
72 proposed activity and any natural resources affected thereby; (F) the
73 name, address and telephone number of any agent of the applicant
74 from whom interested persons may obtain copies of the application; []
75 and (G) a statement that the application is available for inspection at
76 the office of the Department of Environmental Protection. The
77 commissioner shall not process an application until the applicant has
78 submitted to the commissioner a copy of the notice required by this
79 section. The provisions of this section shall not apply to discharges
80 exempted from the notice requirement by the commissioner pursuant
81 to subsection (b) of section 22a-430, to hazardous waste transporter
82 permits issued pursuant to section 22a-454 or to special waste
83 authorizations issued pursuant to section 22a-209 and regulations
84 adopted thereunder.

85 (b) Notwithstanding any other provision of this title or any
86 regulation adopted pursuant to this title, the following applications are
87 exempt from the provisions of subsection (a) of this section: (1) An
88 application for authorization under a general permit; (2) an application
89 for a minor permit modification for sources permitted under Title V of
90 the federal Clean Air Act Amendments of 1990 in accordance with 40
91 CFR 70.7; and (3) an application for a minor permit modification or
92 revision if the Commissioner of Environmental Protection has adopted
93 regulations, in accordance with the provisions of chapter 54,
94 establishing criteria to delineate applications for minor permit
95 modifications or revisions from those applications subject to the
96 requirements of subsection (a) of this section.

97 Sec. 11. Section 22a-6h of the general statutes is repealed and the

98 following is substituted in lieu thereof:

99 (a) The Commissioner of Environmental Protection, at least thirty
100 days before approving or denying an application under section 22a-32,
101 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, 22a-368, 22a-403 or 22a-430,
102 subsection (b) or (c) of section 22a-449, section 22a-454 or Section 401 of
103 the federal Water Pollution Control Act (33 USC 466 et seq.), shall
104 publish or cause to be published, at the applicant's expense, once in a
105 newspaper having a substantial circulation in the affected area notice
106 of [his] the commissioner's tentative determination regarding such
107 application. Such notice shall include: (1) The name and mailing
108 address of the applicant and the address of the location of the
109 proposed activity; (2) the application number; (3) the tentative decision
110 regarding the application; (4) the type of permit or other authorization
111 sought, including a reference to the applicable statute or regulation; (5)
112 a description of the location of the proposed activity and any natural
113 resources affected thereby; (6) the name, address and telephone
114 number of any agent of the applicant from whom interested persons
115 may obtain copies of the application; (7) a brief description of all
116 opportunities for public participation provided by statute or
117 regulation, including the length of time available for submission of
118 public comments to the commissioner on the application; and (8) such
119 additional information as the commissioner deems necessary to
120 comply with any provision of this title or regulations adopted
121 hereunder, or with the federal Clean Air Act, federal Clean Water Act
122 or federal Resource Conservation and Recovery Act. The commissioner
123 shall further give notice of such determination to the chief elected
124 official of the municipality in which the regulated activity is proposed.
125 Nothing in this section shall preclude the commissioner from giving
126 such additional notice as may be required by any other provision of
127 this title or regulations adopted hereunder, or by the federal Clean Air
128 Act, federal Clean Water Act or federal Resource Conservation and
129 Recovery Act. The provisions of this section shall not apply to
130 discharges exempted from the notice requirement by the commissioner
131 pursuant to subsection (b) of section 22a-430, to hazardous waste

132 transporter permits issued pursuant to section 22a-454 or to special
133 waste authorizations issued pursuant to section 22a-209 and
134 regulations adopted thereunder.

135 (b) For the purposes of this section, "application" means a request
136 for a license or renewal thereof or for any permit or modification of a
137 license or permit or renewal thereof if the modification is sought by the
138 licensee.

139 (c) Notwithstanding any other provision of this title or any
140 regulation adopted pursuant to this title, the following applications are
141 exempt from the provisions of subsection (a) of this section: (1) An
142 application for a minor permit modification for sources permitted
143 under Title V of the federal Clean Air Act Amendments of 1990 in
144 accordance with 40 CFR 70.7; or (2) an application for a minor permit
145 modification or revision if the Commissioner of Environmental
146 Protection has adopted regulations, in accordance with the provisions
147 of chapter 54, establishing criteria to delineate applications for minor
148 permit modifications or revisions from those applications subject to the
149 requirements of subsection (a) of this section.

150 Sec. 12. Section 12-63f of the general statutes is repealed and the
151 following is substituted in lieu thereof:

152 For the five assessment years commencing with the first assessment
153 and collection of the tax imposed under this chapter on a parcel of real
154 property which assessment and collection follows an approval of a
155 final remedial action report by the Commissioner of Environmental
156 Protection or a filing of such a report by a licensed environmental
157 professional regarding such property other than any such approval or
158 filing made under section 22a-133m, or if no such report has been
159 approved or filed, a filing of a Form IV under section 22a-134a, and
160 which assessment and collection occurs on or after January 1, 1999, and
161 before January 1, 2006, twenty per cent of any amount received by a
162 municipality from such assessment in excess of the highest amount
163 received from an assessment for any one of the three fiscal years

164 preceding such approval or filing shall be paid to the State Treasurer
165 and shall be deposited into the Special Contaminated Property
166 Remediation and Insurance Fund established under section 22a-133t
167 provided this section shall not apply to taxes imposed on personal
168 property, penalties or interest. For the purposes of this section,
169 "municipality" means any town, consolidated town and city or
170 consolidated town and borough.

171 Sec. 13. Subsection (b) of section 22a-6k of the general statutes is
172 repealed and the following is substituted in lieu thereof:

173 (b) The commissioner may issue a temporary authorization for any
174 activity for which the commissioner has authority to issue a general
175 permit under section 22a-174, 22a-208a, 22a-361, [22a-368] 22a-378a,
176 22a-411, 22a-430b or 22a-454 provided [he] the commissioner finds that
177 (1) such activity will not continue for more than thirty days; (2) such
178 activity does not pose a significant threat to human health or the
179 environment; (3) such authorization is necessary to protect human
180 health or the environment or is otherwise necessary to protect the
181 public interest; and (4) such authorization is not inconsistent with the
182 federal Water Pollution Control Act, the federal Rivers and Harbors
183 Act, the federal Clean Air Act or the federal Resource Conservation
184 and Recovery Act. No temporary authorization shall be renewed more
185 than once, and no such authorization shall be issued for an activity
186 which has been authorized by a temporary authorization during the
187 previous twelve months. Any person seeking a temporary
188 authorization shall submit to the commissioner sufficient information
189 to allow the commissioner to make the determination set forth herein.
190 A temporary authorization shall be limited by any conditions the
191 commissioner deems necessary to adequately protect human health
192 and the environment. Summary suspension of a temporary
193 authorization may be ordered in accordance with subsection (c) of
194 section 4-182. The commissioner may assess a fee for a temporary
195 authorization issued pursuant to this subsection. Such fee shall be of
196 an amount equal to the equivalent existing permit fee for the activity
197 authorized. The commissioner may reduce the fee required pursuant

198 to this subsection if good cause is shown. The fee required pursuant to
199 this subsection shall be paid before the issuance of the temporary
200 authorization. The commissioner may, if good cause is shown, allow
201 late payment of the fee required by this subsection provided such fee
202 shall be paid no later than ten days after the issuance of the temporary
203 authorization.

204 Sec. 14. Section 22a-6t of the general statutes is repealed."